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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/036,454	01/07/2002	Shoji Nishikawa	05905.0155	4922
22852 7590 01/24/2007 FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			EXAMINER VAN HANDEL, MICHAEL P	
			ART UNIT 2623	PAPER NUMBER
			MAIL DATE 01/24/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/036,454	Applicant(s) NISHIKAWA ET AL.	
	Examiner Michael Van Handel	Art Unit 2623	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 07 December 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because:
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Attached.
12. ☒ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.


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SUPERVISORY PATENT EXAMINER
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Continuation of 11.

Regarding claims 32-35, the applicant argues that Nishikawa et al. does not teach or suggest a selection screen of the received content. The examiner respectfully disagrees. Nishikawa et al. discloses an integrated receiver 12 that receives a direct satellite broadcast signal (col. 3, l. 61-66). A direct broadcast satellite system (DSS) processing element 200 periodically downloads large amounts of data, including program guide information, web sites for caching, firmware updates, etc. (col. 6, l. 52-56). Multiple Graphical User Interface (GUI) screens are generated to allow a user to select content received by the integrated receiver 12 (col. 10, l. 36-67; col. 11, l. 1-13, 30-67; col. 12, l. 1-18, 50-64; col. 14, l. 15-39; & Figs. 7, 12, 13). Thus, the examiner maintains that Nishikawa et al. discloses "a selection screen of the received content," as claimed.

Regarding claims 32-35, the applicant argues that the combination of Nishikawa et al. and Blackwell et al. does not teach or suggest when the receiving means is receiving data regarding a content to be updated, the display means performs display processing to display a selection screen of the content to be updated in a different manner from a selection screen of other received content and further argues that Nishikawa et al. does not teach or suggest a method for displaying ... a selection screen of the content to be updated in a different manner from a selection screen of the other received content while receiving data regarding the content to be updated. The examiner respectfully disagrees. Specifically, the applicant argues that Blackwell et al. does not teach or suggest when the receiving means is receiving data regarding a content to be updated, the display means performs display processing to display a selection screen of the content to be updated in a different manner from a selection screen of other received content and further argues that Blackwell et al. fails to teach or suggest a method for displaying ... a selection screen of the content to be updated in a different manner from a selection screen of the other received content while receiving data regarding the content to be updated.

Nishikawa et al. discloses multiple GUI screens that allow a user to select content received by an integrated receiver 12 (col. 10, l. 36-67; col. 11, l. 1-13, 30-67; col. 12, l. 1-18, 50-64; col. 14, l. 15-39; & Figs. 7, 12, 13). Nishikawa et al. further discloses displaying a selectable scrolling ticker region that displays information about upcoming events (e.g. upcoming pay-per-view movies, sporting scores, stocks, etc.) (col. 10, l. 48-50; col. 11, l. 62-67; col. 12, l. 1-18; & Figs. 7, 9). The examiner notes that this selectable scrolling ticker region is displayed in a different manner from a selection screen of the other received content (other types of content & GUI layouts as cited above), as currently claimed. As noted by the examiner in the previous Office Action, Nishikawa et al. fails to disclose that the different display processing of the selectable scrolling ticker region is performed regarding a content to be updated. Blackwell et al. discloses distributing continuously updated sports information such as game scores and statistics, weather information such as storm alerts and national and local forecasts, news information such as news wire feeds, stock quotes, etc. (col. 14, l. 45-56). Thus, the combination of Nishikawa et al. and Blackwell et al. teaches displaying information in a selectable scrolling ticker in a different manner from other content when/while information in the scrolling ticker is continuously updated. Therefore, the examiner maintains that the combination of Nishikawa et al. and Blackwell et al. teaches when the receiving means is receiving data regarding a content to be updated, the display means performs display processing to display a selection screen of the content to be updated in a different manner from a selection screen of other received content, as currently claimed, and further teaches a method for displaying ... a selection screen of the content to be updated in a different manner from a selection screen of the other received content while receiving data regarding the content to be updated, as currently claimed. The examiner further maintains that it be obvious to combine Nishikawa et al. and Blackwell et al. in order to keep a viewer up to date on the score of a game that changes very frequently, such as a basketball game.